

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL NO. 15-10271-WGY
)	
ALEX LEVIN,)	
)	
Defendant.)	

GOVERNMENT’S PROPOSED VOIR DIRE

The United States of America hereby requests that, in addition to those questions commonly put to the venire in cases commenced in this Court, the Court pose the following questions to the prospective jurors in this case:

1. The United States of America is one of the parties in this trial. You will hear the United States referred to throughout the trial as “the government.” Have you, or any member of your immediate family, or anyone with whom you are close:
 - (a) ever been employed by the federal or state government in any capacity?
 - (b) ever filed a lawsuit or claim of any kind against the United States or any of its agencies, or answered a claim or lawsuit filed by the federal government?
2. Do you have any beliefs or feelings regarding the federal or state government that would affect your ability to evaluate and judge fairly and impartially the facts of this case?
3. Have you, any member of your immediate family, or anyone with whom you are close, ever been involved in a criminal proceeding in any way, including as a defendant, a victim, witness, or juror?
4. Have you, any member of your immediate family, or anyone with whom you are close, ever been involved in any type of legal proceeding in any way, including civil proceedings?
5. Some of the witnesses expected to be called by the United States at trial are law enforcement agents employed by the Federal Bureau of Investigation (“FBI”). Have you, or any member of your immediate family, or anyone with whom you are close, ever had any involvement, of any sort, with the FBI or any other law enforcement agency, including state and local police?

6. Do you have any beliefs or feelings regarding such law enforcement witnesses, (*i.e.*, members of the FBI) that would affect your ability to evaluate and judge fairly and impartially their testimony or the facts of this case?
7. Do you have any beliefs or feelings regarding law enforcement in general that would affect your ability to evaluate and judge fairly and impartially their testimony or the facts of this case?
8. Hollywood produces television programs and movies about crimes and crime-solving police work that can create unrealistic expectations about how police work is done in a real case and about evidence in a real case in a court of law. While entertaining, such programs and movies should not be used to set standards or expectations about how crime is investigated in the real world and how matters are proved in a real court of law. Is there anyone who could **not** put aside such expectations and return a true verdict based only on the evidence presented in this courtroom?
9. Do you have a job that entails working with computers?
10. Do you consider yourself to be an expert in, or have a sophisticated understanding of, computers, computer networks, or computer forensics?
11. The defendant in this case, Alex Levin, is charged with possessing child pornography, that is, images and videos depicting minors engaged in sexually explicit conduct.
 - (a) Do you know anything about the facts of this case?
 - (b) To your knowledge, have you read or seen in the media anything about this case?
 - (c) Have you heard anything about this case since you arrived at the courthouse this morning?
12. Would the fact that this case involves charges of the possession of child pornography prevent you from rendering a fair and impartial verdict?
13. Do you feel that laws prohibiting the possession of child pornography should not be enforced at all, or enforced more or less rigorously than other laws?
14. Have you, a family member, or a close friend ever been charged with a child pornography offense?
15. Have you, a family member, or a close friend ever been charged with or been the victim of child sexual molestation or any similar offense?

16. As you may have inferred, some of the evidence in this case will consist of images and videos which the government alleges constitute child pornography that the defendant knowingly possessed. These images may be offensive and unpleasant to view. However, the prospect of having to see offensive or unpleasant evidence is not the basis to avoid jury service. Cases, both criminal and civil, may involve unpleasant things. If we excused prospective jurors on that ground - including exposure to unpleasant matters - then we could not function. Indeed, the parties have a right to expect that jurors will not seek to avoid jury service simply because they would prefer to avoid some unpleasantness. Having said that, is there anyone who honestly believes there is some compelling reason why he or she could not be an impartial juror in this case - that is, to consider all of the evidence and follow the law as I give it to you - simply because the evidence will include having to view these images and videos?
17. Some people are of the mistaken belief that possessing or viewing child pornography, including in electronic format, are activities protected by the Free Speech Clause of the First Amendment of the United States Constitution, or that such material is otherwise constitutionally protected. I tell you, as a matter of law, it is not. Congress has passed laws that make it a criminal offense to possess and distribute child pornography, and such activity is not constitutionally protected by the First Amendment, or by any other Constitutional right. Would anyone have difficulty following my instructions that possession and distribution of child pornography is not, as a matter of law, protected by the First Amendment, or any other provision of the Constitution?
18. Do you believe that there should **not** be any legal restriction on the type of materials, images, or videos that a person can view in the privacy of his own home?
19. Do you have any beliefs or feelings that would prevent you from completely and honestly applying the law, as I give it to you at the end of the case, to the facts as you find them?
20. Do you know of any reason why you cannot sit as a fair and impartial juror in the trial of this case?

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

Dated: May 14, 2019

By: /s/ Anne Paruti
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CERTIFICATE OF SERVICE

I, Anne Paruti, hereby certify that the foregoing was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Date: May 14, 2019

/s/ Anne Paruti
Assistant United States Attorney